

AMENDED IN SENATE AUGUST 7, 2002  
AMENDED IN ASSEMBLY APRIL 25, 2002  
AMENDED IN ASSEMBLY APRIL 15, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2131**

**Introduced by Assembly Member ~~Leonard~~ *Bogh***

February 20, 2002

---

---

An act to ~~add Section 3212.85 to~~ *amend Section 21419 of the Government Code, and to amend Section 4850.4 of the Labor Code,* relating to workers' compensation.

LEGISLATIVE COUNSEL'S DIGEST

AB 2131, as amended, ~~Leonard~~ *Bogh*. Workers' compensation: ~~infectious diseases; dependents~~ *advanced disability pension benefits.*

*Existing workers' compensation law permits a city, county, special district, or harbor district that is a member of the Public Employees' Retirement System, is subject to the County Employees Retirement Law of 1937, or is subject to the Los Angeles City Employees' Retirement Systems, to make advanced disability pension payments to any local safety officer who meets certain criteria and is approved for a disability allowance.*

*Existing law, commencing January 1, 2003, requires these entities to make these advanced disability pension payments commencing no later than 30 days from the date of issuance of the employee's last regular payment for wages or salary, payment for specified benefits, or payment for sick leave, unless certain conditions exist.*

*Existing law, commencing January 1, 2003, requires these advanced disability pension payments to continue until the claimant is approved or disapproved for a disability allowance pursuant to final adjudication as provided by law.*

*This bill would, if the above requirements to commence January 1, 2003, become operative, specify that all advanced disability pension payments made by a local agency shall be reimbursed by the Public Employees' Retirement System.*

~~Existing workers' compensation law generally requires employers to secure the payment of workers' compensation, including medical treatment, for injuries incurred by their employees that arise out of or in the course of employment. Existing law also defines "injury" in the case of specified state and local firefighting, law enforcement personnel, and patrol members, to include any blood-borne infectious disease that develops or manifests itself during the period while the member is in the service of the governmental entity.~~

~~This bill would provide that if a person who is a specified state or local firefighting, law enforcement, or patrol member sustains an injury that meets the definition of a blood-borne infectious disease, and a dependent of that person contracts the blood-borne infectious disease from the person, the dependent shall be compensated, for the duration of the disease, for all medically necessary health care costs associated with the disease.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1   ~~SECTION 1. Section 3212.85 is added to the Labor Code, to~~
- 2   ~~read:~~
- 3   ~~3212.85. If a person covered under Section 3212.8 sustains an~~
- 4   ~~injury that meets the definition of a blood-borne infectious disease~~
- 5   ~~contained in Section 3212.8, and a dependent of that person~~
- 6   ~~contracts the blood-borne infectious disease from the person, the~~
- 7   ~~dependent shall be compensated, for the duration of the disease,~~
- 8   ~~for all medically necessary health care costs associated with the~~
- 9   ~~disease.~~
- 10   ~~SECTION 1. Section 21419 of the Government Code is~~
- 11   ~~amended to read:~~

21419. This system shall deduct the amount of advanced disability pension payments made to a local safety member pursuant to Section 4850.3 *or* 4850.4 of the Labor Code from the member's retroactive disability allowance, and reimburse the local agency that has made the advanced disability pension payments. If the retroactive disability allowance is not sufficient to reimburse the total advanced disability pension payments, an amount no greater than 10 percent of the member's monthly disability allowance shall be deducted and reimbursed to the local agency until the total advanced disability pension payments have been repaid. The local safety member and this system may agree to any other arrangement or schedule for the member to repay the advanced disability pension payments.

*SEC. 2. Section 4850.4 of the Labor Code, as added by Chapter 189 of the Statutes of 2002, is amended to read:*

4850.4. (a) A city, county, special district, or harbor district that is a member of the Public Employees' Retirement System, is subject to the County Employees Retirement Law of 1937, or is subject to the Los Angeles City Employees' Retirement Systems, shall make advanced disability pension payments in accordance with Section 4850.3 unless any of the following is applicable:

(1) After an examination of the employee by a physician, the physician determines that there is no discernable injury to, or illness of, the employee.

(2) The employee was incontrovertibly outside the course of his or her employment duties when the injury occurred.

(3) There is proof of fraud associated with the filing of the employee's claim.

(b) Any employer described in subdivision (a) who is required to make advanced disability pension payments, shall make the payments commencing no later than 30 days from the date of issuance of the last disbursed of the following:

(1) The employee's last regular payment of wages or salary.

(2) The employee's last payment of benefits under Section 4850.

(3) The employee's last payment for sick leave.

(c) The advanced disability payments shall continue until the claimant is approved or disapproved for a disability allowance pursuant to final adjudication as provided by law.

(d) An employer described in subdivision (a) shall be required to make advanced disability pension payments only if the employee does all of the following:

(1) Files an application for disability retirement at least 60 days prior to the payment of benefits pursuant to subdivision (a).

(2) Fully cooperates in providing the employer with medical information and in attending all statutorily required medical examinations and evaluations set by the employer.

(3) Fully cooperates with the evaluation process established by the retirement plan.

(e) The 30-day period for the commencement of payments pursuant to subdivision (b) shall be tolled by whatever period of time is directly related to the employee's failure to comply with the provisions of subdivision (d).

(f) *All advanced disability pension payments made by a local agency shall be reimbursed by the Public Employees' Retirement System pursuant to Section 21419 of the Government Code.*

*SEC. 3. Sections 1 and 2 of this act shall become operative only if Assembly Bill 1982, Chapter 189 of the Statutes of 2002, becomes operative and adds Section 4850.4 to the Labor Code.*